



[4910-13-P]

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

**[Docket No. FAA-2017-1243; Product Identifier 2012-NM-150-AD; Amendment 39-19151; AD 2018-01-10]**

**RIN 2120-AA64**

**Airworthiness Directives; Airbus Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** We are superseding Airworthiness Directive (AD) 2011-14-10, which applied to certain Airbus Model A330-342 airplanes. AD 2011-14-10 required repetitive ultrasonic inspections for cracks of a certain fuselage frame at the fastener hole area just above a certain stringer, and repair, if necessary. This new AD was prompted by a new fatigue and damage tolerance evaluation, which showed that certain inspection thresholds and intervals need to be shorter. This AD requires contacting the FAA to obtain instructions for addressing the unsafe condition on these products, and doing the actions specified in those instructions. We are issuing this AD to address the unsafe condition on these products.

**DATES:** This AD becomes effective [INSERT DATE 15 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

We must receive comments on this AD by [INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Fax: 202-493-2251.
- Mail: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- Hand Delivery: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

### **Examining the AD Docket**

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-1243; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone: 800-647-5527) is in the ADDRESSES section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone: 425-227-1138; fax: 425-227-1149.

**SUPPLEMENTARY INFORMATION:**

**Discussion**

We issued AD 2011-14-10, Amendment 39-16745 (76 FR 41657, July 15, 2011) (“AD 2011-14-10”), which applied to certain Airbus Model A330-342 airplanes. AD 2011-14-10 was prompted by a determination that airworthiness limitation item (ALI) task 533105-10-02 was not performed on certain airplanes. AD 2011-14-10 required repetitive ultrasonic inspections for cracks of fuselage frame 39.1 at the fastener hole area just above stringer 28, and repair, if necessary. We issued AD 2011-14-10 to detect and correct fatigue cracking of the internal structure of the fuselage, which could adversely affect the structural integrity of the airplane.

Since we issued AD 2011-14-10, we have determined, based on a new fatigue and damage tolerance evaluation that took into account airplane usage, that the compliance time threshold and intervals need to be shorter.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2012-0140, dated July 27, 2012 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for certain Airbus Model A330-342 airplanes. The MCAI states:

Airworthiness Limitation Item (ALI) task 533105-01-02 is applicable to aeroplanes on which Airbus modification

40391 has not been embodied in production. The requirements associated to this task are applicable to aeroplanes on which Modification Proposal (MP) S10374 has not been embodied.

Following a query from an operator, investigations revealed that some aeroplane [manufacturer serial numbers] MSN, for which Airbus modification 40391 was indicated as fully embodied inside the Aircraft Inspection Report (AIR), did not have MP S10374 which is part of this modification embodied in production. As a result, ALI task 533105-01-02 has not been performed on the aeroplane MSN listed in the applicability section of this [EASA] AD, which constitutes an unsafe condition.

Prompted by these findings, EASA issued AD 2010-0173 [which corresponds to FAA AD 2011-14-10] to require repetitive special detailed inspections corresponding to ALI task 533105-01-02 and, depending on findings, the accomplishment of applicable corrective actions.

Since that [EASA] AD was issued, a new fatigue and damage tolerance evaluation has been done, taking into account the aeroplane utilisation. Certain threshold and interval are more restrictive depending on airplane utilisation.

For the reason described above, this [EASA] AD retains the requirements of EASA AD 2010-0173, which is superseded, but requires those actions to be accomplished within amended thresholds and intervals.

You may examine the MCAI on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-1243.

### **FAA's Determination and Requirements of this AD**

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI. We are issuing this AD because we evaluated all pertinent information and

determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

#### **FAA's Determination of the Effective Date**

Since there are currently no domestic operators of this product, we find good cause that notice and opportunity for prior public comment are unnecessary. In addition, for the reason(s) stated above, we find that good cause exists for making this amendment effective in less than 30 days.

#### **Comments Invited**

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the ADDRESSES section. Include "Docket No. FAA-2017-1243; Product Identifier 2012-NM-150-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD based on those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this AD.

#### **Costs of Compliance**

Currently, there are no affected U.S.-registered airplanes. This AD requires contacting the FAA to obtain instructions for addressing the unsafe condition, and doing

the actions specified in those instructions. Based on the actions specified in the MCAI AD, we are providing the following cost estimates for an affected airplane that is placed on the U.S. Register in the future:

**Estimated costs**

<b>Action</b>	<b>Labor cost</b>	<b>Parts cost</b>	<b>Cost per product</b>
Inspection (retained action from AD 2011-14-10)	15 work-hours X \$85 per hour = \$1,275 per inspection cycle	\$0	\$1,275 per inspection cycle

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this AD.

**Authority for this Rulemaking**

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. “Subtitle VII: Aviation Programs,” describes in more detail the scope of the Agency’s authority.

We are issuing this rulemaking under the authority described in “Subtitle VII, Part A, Subpart III, Section 44701: General requirements.” Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to transport category airplanes to the Director of the System Oversight Division.

### **Regulatory Findings**

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

1. Is not a “significant regulatory action” under Executive Order 12866;
2. Is not a “significant rule” under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### **List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

## **Adoption of the Amendment**

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

### **PART 39 - AIRWORTHINESS DIRECTIVES**

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

#### **§ 39.13 [Amended]**

2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2011-14-10, Amendment 39-16745 (76 FR 41657, July 15, 2011), and adding the following new AD:

**2018-01-10 Airbus:** Amendment 39-19151; Docket No. FAA-2017-1243; Product Identifier 2012-NM-150-AD.

#### **(a) Effective Date**

This AD becomes effective [INSERT DATE 15 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

#### **(b) Affected ADs**

This AD replaces AD 2011-14-10, Amendment 39-16745 (76 FR 41657, July 15, 2011) (“AD 2011-14-10”).

#### **(c) Applicability**

This AD applies to Airbus Model A330-342 airplanes, certificated in any category, manufacturer serial numbers 0012 and 0017.



**(d) Subject**

Air Transport Association (ATA) of America Code 53, Fuselage.

**(e) Reason**

This AD was prompted by a determination that airworthiness limitation item (ALI) task 533105-10-02 was not performed on certain airplanes, and a new fatigue and damage tolerance evaluation, which showed that certain inspection thresholds and intervals need to be shorter. We are issuing this AD to detect and correct fatigue cracking of the internal structure of the fuselage, which could adversely affect the structural integrity of the airplane.

**(f) Compliance**

Comply with this AD within the compliance times specified, unless already done.

**(g) Required Action(s)**

Within 30 days after the effective date of this AD, request instructions from the Manager, International Section, Transport Standards Branch, FAA, to address the unsafe condition specified in paragraph (e) of this AD; and accomplish the action(s) at the times specified in, and in accordance with, those instructions. Guidance can be found in Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency (EASA) AD 2012-0140, dated July 27, 2012.

**(h) Alternative Methods of Compliance (AMOCs)**

The Manager, International Section, Transport Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal

inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Section, send it to the attention of the person identified in paragraph (i)(2) of this AD. Information may be emailed to: 9-ANM-116-AMOC-REQUESTS@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

**(i) Related Information**

(1) Refer to MCAI EASA AD 2012-0140, dated July 27, 2012, for related information. You may examine the MCAI on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-1243.

(2) For more information about this AD, contact Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone: 425-227-1138; fax: 425-227-1149.

**(j) Material Incorporated by Reference**

None.

Issued in Renton, Washington, on January 2, 2018.

Michael Kaszycki,  
Acting Director,  
System Oversight Division,  
Aircraft Certification Service.

[FR Doc. 2018-00345 Filed: 1/11/2018 8:45 am; Publication Date: 1/12/2018]